

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACI RICHARDS

Plaintiff,

v.

Case No. 09-953

UNUM LIFE INSURANCE COMPANY OF
AMERICA,

HON. GORDON J. QUIST

Defendant.

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PLAINTIFF'S MOTION FOR JUDGMENT
ON THE MERITS

Pursuant to the ERISA statute, U.S.C. § 1001 et seq., and as directed by this Court's Case Management Order dated February 9, 2010, plaintiff, Jaci Richards, by her attorney, Troy W. Haney, hereby moves the Court for an order reversing defendant's decision to terminate her long term disability benefits, and instructing that those benefits be reinstated.

This motion is based on the court file in this cause as made and provided, including the Administrative Record and on the brief in support filed herewith.

For the reasons detailed in the brief filed herewith, plaintiff, Jaci Richards, respectfully requests that this Court overturn the decision of defendant terminating her claim for long term disability benefits and enter an order granting the following relief:

- A. A declaratory judgment pursuant to ERISA §502(a)(1)(B), 29 U.S.C. 1132(a)(1)(B) and 28 U.S.C. 2201, declaring that plaintiff is entitled to the group employee benefits in the proper amounts as set forth in the Plan in effect at the time benefits became payable and that defendant has violated the plan and its fiduciary duties by failing to pay these benefits and honor the group waiver of life premium.
- B. A full and accurate accounting by defendant of all computations for plaintiff's employee benefits, in sufficient detail so that plaintiff may ascertain that her benefits are being paid in the proper amount.
- C. An Order compelling defendant to pay plaintiff forthwith the full amount of employee benefits due her and to continue such payments for the period set forth in the Plan, including interest on all unpaid benefits.
- D. An Order awarding reasonable attorney fees and costs pursuant to ERISA §502(g)(1), 29 U.S.C. 1132(g)(1).
- E. Such other relief as may be just and appropriate.

May 4, 2010

/s/ Troy W. Haney
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